

STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East 14th Street
Des Moines, Iowa 50319-0147

AMENDED

Minutes

August 1, 2008

The Board of Educational Examiners held its monthly meeting on August 1, 2008. Board Chair, Judy Jeffrey, called the meeting to order. Members attending were John Aboud, Ying Ying Chen, Tammy Duehr, Jeffrey Henderson, Judy Jeffrey, Merle Johnson, Thomas Paulsen, Greg Robinson, Jean Seeland, Bev Smith and Laura Stevens. Also in attendance were Dr. George Maurer, Executive Director of the Board, Christie Scase, Assistant Attorney General and Julie Bussanmas, Assistant Attorney General. Brad Dirks was unable to attend the meeting.

Dr. Maurer recommended that the agenda be amended to remove the review of investigative report for Case 08-13. Merle Johnson moved, with a second by Jean Seeland, to approve the agenda as amended. **MOTION CARRIED UNANIMOUSLY.**

Ying Ying Chen moved, with a second by Tammy Duehr, that the Board go into closed session for the purposes of discussing whether to initiate licensee disciplinary proceedings and discussing the decision to be rendered in a contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f). **MOTION CARRIED UNANIMOUSLY.**

Tammy Duehr moved, with a second by Ying Ying Chen, that in **case number 07-39**, the Board find that the evidence gathered in the investigation, including witness statements and the documentary evidence, does not corroborate the allegations in the complaint, and that the Board therefore lacks probable cause to proceed with this matter. Roll call vote: Aboud – yes; Chen – yes; Duehr – yes; Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – yes; Robinson – yes;

1 Seeland – yes; Smith – yes; and Stevens – yes. **MOTION CARRIED**

2 **UNANIMOUSLY.**

3
4 Ying Ying Chen moved, with a second by Tammy Duehr, that in **case number 08-**
5 **12**, the Board find that, although one or more of the allegations in the complaint
6 may be substantiated by the witnesses interviewed in the course of the
7 investigation and the documents gathered in the course of the investigation, and
8 the allegations may constitute a technical violation of the board's statute or
9 administrative rules; the evidence before the board indicates that adequate steps
10 have been taken to remedy the violation and to ensure that incidents of a similar
11 nature do not occur in the future. Taking into account these circumstances, and
12 the Board's mission to act upon those complaints which involve a threat to the
13 health and safety of students and the public, the Board will not pursue formal
14 disciplinary action in this matter. Roll call vote: Aboud – yes; Chen – yes; Duehr
15 – yes; Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – yes; Robinson – yes;
16 Seeland – yes; Smith – yes; and Stevens – yes. **MOTION CARRIED**

17 **UNANIMOUSLY.**

18
19 Tammy Duehr moved, with a second by Ying Ying Chen, that in **case number 08-**
20 **14**, the Board find that, although one or more of the allegations in the complaint
21 may be substantiated by the witnesses interviewed in the course of the
22 investigation [and/or] the documents gathered in the course of the investigation,
23 and the allegations may constitute a technical violation of the board's statute or
24 administrative rules; the evidence before the board indicates that the
25 circumstances do not warrant imposition of a sanction by this board, and the
26 Board will not pursue formal disciplinary action in this matter. Roll call vote:
27 Aboud – yes; Chen – yes; Duehr – yes; Henderson – yes; Jeffrey – yes; Johnson –
28 yes; Paulsen – yes; Robinson – yes; Seeland – yes; Smith – yes; and Stevens – yes.

29 **MOTION CARRIED UNANIMOUSLY.**

30
31 Ying Ying Chen moved, with a second by Tammy Duehr, that in **case number 08-**
32 **15**, the Board find that the evidence gathered in the investigation, including
33 witness statements and the documentary evidence, does not corroborate the

1 allegations in the complaint, and that the Board therefore lacks probable cause to
2 proceed with this matter. Roll call vote: Aboud – yes; Chen – yes; Duehr – yes;
3 Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – yes; Robinson – yes;
4 Seeland – yes; Smith – yes; and Stevens – yes. **MOTION CARRIED**

5 **UNANIMOUSLY.**

6
7 Tammy Duehr moved, with a second by Ying Ying Chen, that in **case number 08-**
8 **16**, the Board find that, although one or more of the allegations in the complaint
9 may be substantiated by the witnesses interviewed in the course of the
10 investigation [and/or] the documents gathered in the course of the investigation,
11 and the allegations may constitute a technical violation of the board’s statute or
12 administrative rules; the evidence before the board indicates that adequate steps
13 have been taken to remedy the violation and to ensure that incidents of a similar
14 nature do not occur in the future. Taking into account these circumstances, and
15 the Board’s mission to act upon those complaints which involve a threat to the
16 health and safety of students and the public, the Board will not pursue formal
17 disciplinary action in this matter. Roll call vote: Aboud – yes; Chen – yes; Duehr –
18 yes; Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – yes; Robinson – yes;
19 Seeland – yes; Smith – yes; and Stevens – yes. **MOTION CARRIED**

20 **UNANIMOUSLY.**

21
22 Ying Ying Chen moved, with a second by Tammy Duehr, that in **case number 08-**
23 **17**, the Board find probable cause to establish a violation of the following
24 provisions of the Code of Professional Conduct and Ethics, 282 IAC 25.3(1)(b)(1)
25 and order this case set for hearing. Roll call vote: Aboud – yes; Chen – yes; Duehr
26 – yes; Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – recused; Robinson –
27 yes; Seeland – yes; Smith – yes; and Stevens – yes. **MOTION CARRIED.**

28
29 Tammy Duehr moved, with a second by Ying Ying Chen, that in **case number 08-**
30 **19**, the Board find that, although one or more of the allegations in the complaint
31 may be substantiated by the witnesses interviewed in the course of the
32 investigation and the documents gathered in the course of the investigation, and
33 the allegations may constitute a technical violation of the board’s statute or

1 administrative rules; the evidence before the board indicates that adequate steps
2 have been taken to remedy the violation and to ensure that incidents of a similar
3 nature do not occur in the future. Taking into account these circumstances, and
4 the Board's mission to act upon those complaints which involve a threat to the
5 health and safety of students and the public, the Board will not pursue formal
6 disciplinary action in this matter. Roll call vote: Aboud – yes; Chen – yes; Duehr –
7 yes; Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – yes; Robinson – yes;
8 Seeland – yes; Smith – yes; and Stevens – yes. **MOTION CARRIED**

9 **UNANIMOUSLY.**

10
11 Ying Ying Chen moved, with a second by Tammy Duehr, that in **case number 08-**
12 **26**, the Board find that the evidence gathered in the investigation, including
13 witness statements and the documentary evidence, does not corroborate the
14 allegations in the complaint, and that the Board therefore lacks probable cause to
15 proceed with this matter. Roll call vote: Aboud – yes; Chen – yes; Duehr – yes;
16 Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – yes; Robinson – yes;
17 Seeland – yes; Smith – yes; and Stevens – yes. **MOTION CARRIED**

18 **UNANIMOUSLY.**

19
20 Tammy Duehr moved, with a second by Ying Ying Chen, that in **case number 08-**
21 **27**, the Board find that the evidence gathered in the investigation, including
22 witness statements and the documentary evidence, does not corroborate the
23 allegations in the complaint, and that the Board therefore lacks probable cause to
24 proceed with this matter. Roll call vote: Aboud – yes; Chen – yes; Duehr – yes;
25 Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – yes; Robinson – yes;
26 Seeland – yes; Smith – yes; and Stevens – yes. **MOTION CARRIED**

27 **UNANIMOUSLY.**

28
29 Ying Ying Chen moved, with a second by Tammy Duehr, that in **case number 08-**
30 **28**, the Board find that the evidence gathered in the investigation, including
31 witness statements and the documentary evidence, does not corroborate the
32 allegations in the complaint, and that the Board therefore lacks probable cause to
33 proceed with this matter. Roll call vote: Aboud – yes; Chen – yes; Duehr – yes;

1 Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – yes; Robinson – yes;
2 Seeland – yes; Smith – yes; and Stevens – yes. **MOTION CARRIED**
3 **UNANIMOUSLY.**

4

5 Tammy Duehr moved, with a second by Ying Ying Chen, that in **case number 08-**
6 **29**, the Board find that the evidence gathered in the investigation, including
7 witness statements and the documentary evidence, does not corroborate the
8 allegations in the complaint, and that the Board therefore lacks probable cause to
9 proceed with this matter. Roll call vote: Aboud – yes; Chen – yes; Duehr – yes;
10 Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – yes; Robinson – yes;
11 Seeland – yes; Smith – yes; and Stevens – yes. **MOTION CARRIED**
12 **UNANIMOUSLY.**

13

14 Ying Ying Chen moved, with a second by Tammy Duehr, that in **case number 08-**
15 **31**, the Board find that the evidence gathered in the investigation, including
16 witness statements and the documentary evidence, does not corroborate the
17 allegations in the complaint, and that the Board therefore lacks probable cause to
18 proceed with this matter. Roll call vote: Aboud – yes; Chen – yes; Duehr – yes;
19 Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – yes; Robinson – yes;
20 Seeland – yes; Smith – yes; and Stevens – yes. **MOTION CARRIED**
21 **UNANIMOUSLY.**

22

23 Tammy Duehr moved, with a second by Ying Ying Chen, that in **case number 07-**
24 **06**, In the Matter of Gene Gonzales, the Board accept the stipulation and
25 settlement submitted by the parties, and issue an Order incorporating the
26 agreement of the parties and imposing the agreed upon sanction. Roll call vote:
27 Aboud – yes; Chen – yes; Duehr – yes; Henderson – yes; Jeffrey – yes; Johnson –
28 yes; Paulsen – yes; Robinson – yes; Seeland – yes; Smith – yes; and Stevens – yes.
29 **MOTION CARRIED UNANIMOUSLY.**

30

31 Tammy Duehr moved, with a second by Ying Ying Chen, that in **cases number 08-**
32 **08, 08-09 and 08-10**, the Board extend the 180-day deadline for issuance of the

1 final decision, due to the need for additional time to conduct a hearing, prepare a
2 proposed decision, and review the proposed decision by the Board. **MOTION**
3 **CARRIED UNANIMOUSLY.**

4
5 Board Reports:

6 Jeff Henderson reported that due to the flood, his office had been under
7 seven feet of water and clean-up is still under way. He complimented the
8 various government agencies like the state DE, FEMA, SBA, and Federal DE
9 on their response as it relates to schools has been strong. Cedar Rapids is
10 still trying to locate approximately 1800 students that will probably be
11 attending school somewhere in Cedar Rapids this fall. Cedar Rapids and
12 other cities like Waverly and Iowa City, as well as Parkersburg, are all still
13 working through the issues created by the flood and tornadoes.

14
15 Merle Johnson wished all the school members good luck with the upcoming
16 school year.

17
18 Tom Paulsen reported on the ag teachers' conference that was held the
19 middle of June. He was asked to give an ethics presentation at the
20 conference at a break out session. The presentations lead to good
21 discussions in the groups. Approximately 40 ag teachers attended. During
22 the presentation he also assisted teachers in the procedure in locating their
23 licenses online.

24
25 John Aboud reported on the Music Educator Association's survey, looking at
26 the music licenses and how best to educate students. Eight hundred (800)
27 members feel changes need to be made to be more defined than what we
28 have. He also just returned from a trip to Europe with 380 high school
29 students which gave them a chance to experience international education.
30 He pointed out that issues that we deal with here are similar to the same
31 that are experienced in Europe.

1 Judy Jeffrey reported on a National Commission to Improve Math and
2 Science Teaching which she has been asked to serve on. She is the only
3 chief state school officer to represent the nation. In November they will be
4 rolling out a commitment by all of the state universities and land grant
5 colleges across the United States to increase the number of math and
6 science teachers. They will work with state superintendents to determine
7 the number of teachers needed. The organization will track the commitment
8 to be produced and the number actually produced.

9
10 Public Comment:

11 There was one public comment by Martha Swearingen from Richland, Iowa. She
12 had a suggestion for the board that when people call with a problem they need to
13 be made aware that there is a written complaint form process that needs to be
14 completed. She would like to see better communication with the public about
15 problems they are having.

16
17 Executive Director's Report:

18 Executive Director, Dr. George Maurer, presented Laura Stevens, the new board
19 member appointed by the governor to serve as the twelfth member of the board.
20 Ms. Stevens is a fifth grade teacher in the Okoboji School District. Dr. Maurer then
21 presented his report.

22
23 A discussion was held regarding the retreat for next year. The retreat will be in
24 June, but orientation for new members will be prior to the first meeting.

25
26 Scanning equipment is in, but we are waiting for the T1. We will be sending
27 information to higher ed to start scheduling.

28
29 We will be having a September telephonic meeting for professional practices. The
30 meeting is scheduled for Wednesday, September 3, 2008, at 4:00p.m.

31
32 Jean Seeland had to leave the meeting prior to the beginning of the rules
33 portion of the meeting.

1 Chris Scase, Assistant Attorney General, announced that she will be leaving
2 the attorney general's office and has accepted a position as an administrative
3 law judge. In the interim, Julie Bussanmas will be the contact for the Board
4 with the Attorney General's office.

5
6 Rules:

7 Tom Paulsen moved, with a second by Tammy Duehr, to adopt and file the changes
8 to Chapter 14.142(4)c regarding Superintendent/AEA Administrator. **MOTION**
9 **CARRIED UNANIMOUSLY.**

10
11 Merle Johnson moved, with a second by Tammy Duehr, to file under Notice of
12 Intended Action, the proposed changes to Chapter 14.115 regarding Requirements
13 for a Class A license. **MOTION CARRIED UNANIMOUSLY.**

14
15 Laura Stevens moved, with a second by Merle Johnson, to file under Notice of
16 Intended Action, the proposed changes to reorganize and reformat the following
17 chapters: 12 Fees; 13 Issuance of Teacher Licenses and Endorsements; 14 Special
18 Education Endorsements; 15 Special Education Support Personnel; 16 Statement
19 of Professional Recognition; 17 Career and Technical Endorsement and Licenses;
20 18 Issuance of Administrator Licenses and Endorsements; 19 Evaluator
21 Endorsement and License; 20 License Renewals and Renewal Programs; 21
22 Conversion Information; 22 Authorizations; 23 Behind-the-Wheel Instruction; and
23 24 Para-educator Certificates. **MOTION CARRIED UNANIMOUSLY.**

24
25 Items for Discussion:

26 The proposed changes to Chapter 14.143 regarding Requirements for a substitute
27 authorization were discussed and will be brought back for noticing.

28
29 The proposed changes to Chapter 25.2 regarding Definitions were discussed and
30 will be brought back for noticing.

1 Reports:

2 Geri McMahon presented the Communications Report.

3

4 Dr. Maurer presented the Board Goals Report.

5

6 Petitions for Waiver:

7 John Aboud moved, with a second by Ying Ying Chen, that in **PFW 08-30**, Greg
8 Dufoe, the Board grant the Petition for Waiver. Robinson recused from voting.

9 **MOTION CARRIED.**

10

11 John Aboud moved, with a second by Bev Smith, that in **PFW 08-28**, Holly Berndt,
12 the Board grant the Petition for Waiver. **MOTION CARRIED UNANIMOUSLY.**

13

14 Jeff Henderson moved, with a second by John Aboud, that in **PFW 08-27**, Ronald
15 Lorenz, the Board grant the Petition for Waiver. **MOTION CARRIED, Robinson**
16 **and Johnson opposed.**

17

18 John Aboud moved, with a second by Ying Ying Chen, that in **PFW 08-29**, Lydia
19 Wahlert, the Board grant the Petition for Waiver. **MOTION CARRIED**
20 **UNANIMOUSLY.**

21

22 Jeff Henderson moved, with a second by Ying Ying Chen, that in **PFW 08-31**,
23 Nathan Marting, the Board grant the Petition for Waiver and issue a one year
24 conditional license to complete the course work. **MOTION CARRIED, Aboud and**
25 **Johnson opposed.**

26

27 John Aboud moved, with a second by Merle Johnson, to approve the minutes of the
28 June 13, 2008, board meeting. **MOTION CARRIED UNANIMOUSLY.**

29

30 There being no further business, Judy Jeffrey adjourned the meeting.

31

32 The Board held their Annual Retreat after lunch.